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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re JASON K., et al., Persons Coming
Under the Juvenile Court Law.

B220617
(Los Angeles County
Super. Ct. No. CK62057)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

STEVEN K.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County.

Marguerite D. Downing, Judge. Affirmed.

Nicole Williams, under appointment by the Court of Appeal, for Defendant and Appellant.

Andrea Sheridan Ordin, County Counsel, Sarah Vesecky, Deputy County Counsel, for Plaintiff and Respondent.

No appearance for Minors.

* * * * *

Appellant Steven K. (Father) appeals from an order terminating jurisdiction with a family law exit order. He argues that the juvenile court applied an incorrect legal standard in framing the exit order issued pursuant to Welfare and Institutions Code section 362.4¹ in connection with the termination of jurisdiction, and that it abused its discretion in declining to hold an evidentiary hearing prior to termination and in permitting the parents discretion to arrange monitored visitation. Neither C.K. (Mother) nor the Department of Children and Family Services (Department) filed a respondent's brief.

We affirm. The juvenile court properly considered the children's best interests in issuing an exit order that maintained the existing custodial and visitation arrangements.

FACTUAL AND PROCEDURAL BACKGROUND

Events Leading to Detention.

On June 25, 2008, the Department received a referral alleging that nine-year-old Jason was a victim of physical and emotional abuse by Mother and that seven-year-old Dylan was a victim of emotional abuse. Both children were prior dependents of the juvenile court as a result of Mother's and Father's domestic violence, Father's physical abuse of the children and Mother's emotional problems and failure to protect the children.

In an interview with the Department, Mother stated that she was being treated for depression and produced a doctor's letter indicating that she had been diagnosed with depressive disorder. She disclosed that Jason was participating in therapy and receiving medication to address his mental health and anger management issues. Mother denied hitting Jason, but admitted she had once restrained him by placing her hands on his neck. Mother further stated that she and Father were going through a "long and complicated

¹ Unless otherwise indicated, all further statutory references are to the Welfare and Institutions Code.

custody battle” and that she believed the referral was the result of Father and his family trying to build a case against her.

The Department interviewed Dylan, who stated that he felt safe with both Mother and Father, and explained that a visible bruise resulted from his brother pushing him down. In an interview with Jason three days later, he denied being physically abused by Mother or Father, and stated that he felt safe with both parents. He explained that during a recent incident where he became angry, Mother had put her hands on his shoulders to restrain him. He said that he loses his temper a lot and has trouble controlling his anger. He did not believe that his anger problem had anything to do with fights he had witnessed between Mother and Father.

In an interview with Father, he stated that Mother was suffering from bipolar disorder and that he believed she had left the children unsupervised; both children had denied being left alone. Though conceding that he and Mother had different parenting styles, he wanted the children to maintain a relationship with Mother. He admitted that he had stopped giving Jason his prescribed medication because he thought it was unsafe for children. He was not opposed to Jason taking some other type of medication.

Ultimately, Mother and Father agreed to a safety plan for the children that involved them enrolling in conjoint counseling to learn how to co-parent the children and Father obtaining a second psychiatric opinion with respect to Jason’s prescribed medication.

On July 14, 2008, the Department received a second referral involving an incident where Jason jabbed Dylan with a syringe used to feed their cat. Jason ran away when Mother tried to grab the syringe from him; when she caught up with him Mother hit Jason in the face with an open hand several times. When Jason tried to scream, Mother put her hand over his mouth. The incident left his face red and swollen. Dylan confirmed most of the incident, though he did not observe Mother hit Jason. Dylan stated that Mother never hit him. Mother likewise confirmed the incident, but added that Jason’s anger appeared to be increasing, perhaps as a result of lack of medication. She believed that Jason might be better suited to live with Father.

Following a July 23, 2008 team decision meeting (TDM), the Department recommended that both children be detained from Mother and released to Father, the children receive various services, Mother and Father participate in conjoint counseling, Father make an appointment for Jason to see a psychiatrist, Mother seek psychiatric treatment and Mother receive monitored visitation with the children.

Consistent with the TDM, the Department detained the children from Mother's custody and thereafter filed a section 300 petition, asserting allegations under subdivisions (a), (b) and (j) that Mother physically abused the children and that Father failed to protect them from Mother's abuse. At the July 28, 2008 detention hearing, the juvenile court found a prima facie case that the children were persons described in section 300, subdivisions (a) and (b). Finding not only that Mother posed a risk to Jason but also that the children posed a risk to each other, the juvenile court ordered that Jason be released to Father and Dylan be released to Mother. Mother and Father were directed to "work out" unmonitored visitation.

Jurisdiction/Disposition.

The Department's September 2008 jurisdiction/disposition report contained interviews with Mother, Father and the children. Jason described multiple incidents of Mother's physical abuse, as well as Mother's locking him in his room and washing his mouth out with soap. Dylan indicated that only his brother had hurt him. Mother denied hitting Jason and stated that her physical discipline consisted of restraining him. Her other means of discipline included taking away privileges or sending the children to their rooms. Father indicated that he had concerns about the safety of any children in Mother's care.

Both therapist Sharyl Morhouse and psychiatrist Angie Chan, M.D., reported that Jason's behavior had stabilized somewhat with medication. Ms. Morhouse further observed that Jason had a fair amount of conflict with his brother. She opined that part of Jason's difficulties stemmed from different rules and different expectations imposed by Mother and Father. She further noted that Jason had far too much information about his parents and the case.

The Department reported that Mother and Father had married in 1997 but had separated in 2004. They had filed for divorce but never finalized the proceedings, primarily because of disputes concerning child custody. The Department recommended that both children be placed with Father, and that Father receive family maintenance services and Mother receive family reunification services. The Department also submitted information about a family therapy session, during which Mother confronted Jason and he began to cry and hyperventilate so much that Father took him to the hospital. Ms. Morhouse reported that it was the subject matter—not Mother’s presence—which had upset Jason. The Department also observed that Father appeared to be coaching Jason as to what to say about the incident.

In October 2008, Mother and Father entered into a mediation agreement whereby they submitted to jurisdiction on an amended petition which, as to counts a-1, b-1 and j-1, provided: “On or about 7/08 the children Jason & Dylan [K]’s mother, [C.K.] inappropriately physically disciplined the child by restraining him resulting in marks to the child’s face. Mother’s use of inappropriate physical discipline endangers Jason and places Jason and his sibling at risk of harm.” The balance of the petition was dismissed. With respect to disposition, Mother and Father agreed that each child then placed with them would remain, with the noncustodial parent to receive family reunification services for the other child. Father received unmonitored visitation with Dylan and Mother received monitored visitation with Jason. Each child was directed to participate in individual therapy, and Mother and Father were directed to participate in family counseling at the recommendation of the children’s therapists. Mother was also directed to continue to seek psychiatric treatment. The juvenile court admonished Mother and Father that it would consider alternative placements if it continued to receive reports about the parents coaching the children.

Supplemental Petition.

On January 23, 2009, the Department filed a supplemental petition alleging that Mother had physically abused Dylan by pulling his hair, restraining him on the floor and covering his mouth and nose with her hand making it difficult for him to breathe. In an

interview with the Department, Mother stated that Dylan had used profanity and threw things at her, causing her to discipline him by holding his hands at his sides and later taking away the privilege of playing video games. Dylan admitted using profanity, but stated that Mother also used “bad words” when they were arguing. He added that she broke one of his video games in half and later pushed him and held him to the floor. He stated he was scared of Mother and felt safe at Father’s house. At the detention hearing the juvenile court released Dylan to Father.

In a February 2, 2009 review report, the Department summarized the results of a January 26, 2009 TDM to create a safety plan for Dylan. The children’s therapists indicated that the siblings had developed a genuine and more positive relationship and demonstrated appropriate behavior when they were together. The Department reported that Dylan and Father had a good relationship and opined that Father would be able to care for Dylan in a safe environment. The juvenile court ordered that Dylan remain released to Father and permitted Mother monitored visitation. The juvenile court also ordered the family to participate in an evaluation pursuant to Evidence Code section 730 (730 evaluation).

In March 2009, Ronald Fairbanks, Ph.D., conducted a 730 evaluation. He opined that while Father appeared to have become a better parent over the past couple of years, Mother continued to pose some risk to the children because of her lack of control over them and emotional instability. He recommended that both children be placed with Father and that Mother receive reunification services, but not be considered for future placement. Finally, he recommended that Dylan be assessed to see whether he had a mild level of Asperger’s.

In a March 3, 2009 jurisdiction/disposition report, the Department recommended that Dylan be placed with Father, who would receive family maintenance services, and that Mother receive family reunification services. Subsequent information from the Department outlined an incident where Jason ran away from a restaurant during a family gathering with Mother’s family. When Mother tried to restrain him, he started yelling that he wanted Father, he was scared, and ““this is abuse.”” Mother expressed concern to

the Department that Jason often pulled out the “fear card” to avoid being disciplined by her. The visitation monitor likewise reported that Mother had acted appropriately while Jason screamed profanities at her and then ran out of the restaurant into traffic.

At Mother’s request, the juvenile court set the matter for a contested adjudication hearing. At an April 7, 2009 hearing prior to adjudication, Jason spoke directly to the juvenile court, inquiring whether there was any chance that he would be sent back to live with Mother and stating, “like, every time you send me back to my mother’s something happens. Whether it takes three days, three weeks, something happens. Why do you keep sending me back to the abuser?” The juvenile court indicated that its intent was to place Jason somewhere safe. When Jason’s counsel then indicated that Jason did not intend to comply with the juvenile court’s order for Mother’s visitation, the court explained to Jason that his failure to comply with court orders reflected poorly on both Mother and Father, noting that it appeared any failure to visit Mother was at Father’s direction.

Dismissal of Supplemental Petition.

In an April 29, 2009 status review report, the Department outlined several issues that had occurred in connection with Mother’s visitation with Jason, including a change in monitors, Jason becoming upset with the visits and Mother endeavoring to have separate visits with Jason and Dylan. The Department also described a recent incident during conjoint therapy between Mother and Jason which involved Jason asking Mother specific questions about her sexual history and questioning his and Dylan’s paternity. The therapist reported that “Jason was accusatory, had a ‘weird’ affect and appeared to be ‘taunting’ the mother,” and further reported that Mother remained appropriate. Mother thereafter requested that visitation with Jason be limited to the Department’s offices. Though Father denied discussing Mother’s sexual history in Jason’s presence, Mother believed that Jason could have only learned of certain information from Father. Both children expressed a desire to continue to reside with Father. Summarizing its recommendation that Mother and Father receive six additional months of family reunification and family maintenance services, respectively, the Department stated: “The

mother and the father appear to have a contentious relationship, although each have expressed they only want to do what is best for the children. There have been several child safety-related incidents during this review period and the children do report feelings of ambivalence regarding the mother and feeling conflicted between their parents.”

At the adjudication hearing, the Department, Father’s counsel and Jason’s and Dylan’s counsel asked that the supplemental petition be sustained, while Mother’s counsel advocated for the petition’s dismissal. In particular, Mother’s counsel argued that Dylan’s credibility had been undermined in connection with the incident alleged in the petition, as the items that Dylan claimed Mother broke were found to be intact by the Department. Mother’s counsel also pointed out that Dylan expressed no fear of Mother, had acted appropriately with her in counseling sessions and admitted that he acted out occasionally at Jason’s urging.

Following argument, the juvenile court dismissed the supplemental petition and explained its reasoning in detail. Though the juvenile court indicated it initially had concerns about Dylan’s safety in Mother’s care, the evidence in the Department’s and the therapists’ reports indicated that Dylan did not fear Mother and communicated more freely with her than with Father. The court also received evidence showing that the children had previously been ordered separated. In addition, the court described its own observations of and interaction with Jason, characterizing his behavior and demeanor as “very disturbing” and noting that there were repeated reports of Jason telling Dylan what to do. According to the juvenile court: “Based upon that, the court is dismissing the petition. My job is safety. And it is clear to me that based upon all the evidence I’ve been given, that Dylan is not unsafe with his mother. The court believes that he is most unsafe being in a caustic environment with his older brother on a day-to-day basis. And from the father’s perspective, I don’t necessarily believe that father is the person poisoning the well, and I don’t necessarily believe that dad is telling Dylan what to say. But I do get the feeling that Jason is doing it. And I have some serious concerns about Jason needing intensive counseling.” Given that it believed separating the children was in Dylan’s best interest, and further explaining that it perceived detriment to Dylan from

being suitably placed, it determined that the supplemental petition should be dismissed and Dylan returned to Mother.

Nonetheless, the juvenile court determined that conditions continued to exist which justified the court taking jurisdiction under the initial section 300 petition and found that continued supervision of the children was necessary and appropriate. In addition to ordering the provision of family maintenance services, the juvenile court made several specific orders, including that Mother continue weekly conjoint counseling sessions, that Dylan be referred to the regional center, that the Department locate a new licensed therapist for Jason and that the Department follow up on previous referrals for both children. The court further ordered that the current visitation schedule remain in full force and effect. Father appealed from the dismissal order.

Termination of Jurisdiction.

On May 28, 2009, an unidentified party made a referral to the Child Protection Hotline alleging that Father choked Dylan, grabbed his wrists, slammed him against the wall and kicked him out of the house. Though the allegation was deemed inconclusive, Dylan requested and Father agreed to monitored visitation between the two of them. On June 25, 2009, Mother reported that conjoint therapy between Jason and her had not begun and that their relationship was deteriorating. The Department's July 27, 2009 review report indicated that Jason's new therapist, Robert Santos, did not believe that Jason was ready for conjoint therapy. At Mother's request, the juvenile court ordered that conjoint therapy resume within 30 days. The juvenile court also reiterated that the parties were to comply with existing visitation orders to ensure regular monitored visits between Father and Dylan, Mother and Jason, and Jason and Dylan.

In October 2009, Mr. Santos reported that Jason was making progress in therapy and indicated that interactions with his Mother in therapy were mixed. The Department's October 2009 review report indicated that Dylan, too, was making good progress in therapy, though his therapist observed that Dylan still expressed fear of Father and did not believe conjoint therapy was appropriate. Overall, the Department reported that Mother and Father had been compliant and were meeting each child's respective basic

needs. According to the Department's report: "Jason and Dylan appear to have positive relationships with the parent with whom they reside." The Department observed that Father and Jason were affectionate, joked around with each other and appeared mutually respectful. Mother and Dylan were affectionate with one another and their relationship had continued to improve in terms of Mother disciplining appropriately and Dylan becoming more respectful of boundaries. Each noncustodial parent had minimal visitation with the other child, and the Department reported that "the relationship between Jason and his mother has continued to be fraught with tension and anxiety, and the relationship between Dylan and his father has become tenser." The Department indicated that Dylan desired only limited visitation with Father in the presence of identified monitors, while Jason became agitated and fearful after certain interactions with Mother.

In summary, however, the Department observed that each child was well cared for by his custodial parent, that each parent indicated he or she desired each child to have a relationship with the noncustodial parent, that the children were progressing well in therapy and that there were no child safety issues. The Department recommended that jurisdiction be terminated, that each parent receive sole physical custody of the child then residing with him or her and the parents share legal custody, and the family be referred to family law court to mediate any conflicts over custody and visitation.

At an October 15, 2009 section 364 review hearing, Father submitted on the recommendation of termination of jurisdiction, but objected to the family law order and asked to set the matter for a contested hearing. The juvenile court denied Father's request. Mother and both children agreed with the Department's recommendation. The juvenile court terminated jurisdiction, finding that the conditions which necessitated the initial assumption of jurisdiction no longer existed and that continued supervision of the children was unnecessary. It further issued a family law exit order giving Father sole physical custody of Jason, Mother sole physical custody of Dylan and both parents joint legal custody of the children. The order further provided that Mother and Father were to have monitored visitation, as arranged by them, with the noncustodial child. Both children were ordered to attend weekly individual counseling and conjoint counseling

when recommended by their therapists. Both parents were required to agree in writing to any changes in the children's psychotropic medications.

When Father started to object to the order on the basis that it was difficult to co-parent with Mother, the juvenile court concluded: "I have listened to you all disagree, occasionally agree. My work here is done. We have gotten you all to the point that each child is safe and secure in a respective parent's home. The Department has said that any visitation that you all can't work out between you all, you go to family law court. So my job here is done, and I am finished. Tomorrow I will sign the family law order. Anything else, you need to go to family law."

Father again appealed.

DISCUSSION

Father does not and could challenge the juvenile court's termination of jurisdiction, as he expressly submitted on the Department's recommendation to terminate jurisdiction. As explained in *Steve J. v. Superior Court* (1995) 35 Cal.App.4th 798, 813: "[A] parent who submits on a recommendation waives his or her right to contest the juvenile court's decision if it coincides with the social worker's recommendation." (Accord, *In re Richard K.* (1994) 25 Cal.App.4th 580, 589 [parent's "'submitting on the recommendation' constituted acquiescence in or yielding to the social worker's recommended findings and orders"].) Rather, Father's appeal is limited to three challenges to the composition of the family law exit order. First, he contends that the juvenile court failed to consider the best interests of the children in crafting the order and instead focused only on whether any safety issues remained. Second, Father contends that as a result of the juvenile court's application of an improper standard, the court also improperly failed to hold an evidentiary hearing before issuing the exit order. Finally, Father contends the juvenile court abused its discretion in permitting visitation to be arranged by the parents. We find no merit to any of these three contentions.

I. Legal Principles Governing Exit Orders.

When the juvenile court terminates jurisdiction in a dependency case pursuant to section 364, it may issue an order for custody of and visitation with the children. (§ 362.4; *In re Chantal S.* (1996) 13 Cal.4th 196, 202–203.) According to section 362.4, “[w]hen the juvenile court terminates its jurisdiction over a minor . . . and proceedings for dissolution of marriage . . . of the minor’s parents . . . are pending in the superior court . . . the juvenile court . . . may issue . . . an order determining the custody of, or visitation with, the child.” Though not used in the juvenile dependency law statutes, the term “exit order” has become a shorthand way to describe such orders issued pursuant to section 362.4. (*In re John W.* (1996) 41 Cal.App.4th 961, 970.)

In making an exit order, the juvenile court’s focus is on the best interests of the children in the context of the particular facts and circumstances of the case. (*In re Chantal S.*, *supra*, 13 Cal.4th at p. 206; *In re John W.*, *supra*, 41 Cal.App.4th at p. 965.) “The juvenile court makes its custody determination ‘*without any preferences or presumptions.*’ [Citation.]” (*In re John W.*, *supra*, at p. 972.) The reason for this is that “[t]he presumption of parental fitness that underlies custody law in the family court . . . does not apply to dependency cases’ decided in the juvenile court. [Citation.]” (*In re Chantal S.*, *supra*, at p. 201.) As more thoroughly explained in *In re Jennifer R.* (1993) 14 Cal.App.4th 704, 712: “Although both the family court and the juvenile court focus on the best interests of the child significant differences exist. In juvenile dependency proceedings the child is involved in the court proceedings because he or she has been abused or neglected. Custody orders are not made until the child has been declared a dependent of the court and in many cases, such as this one, the child has been removed from the parents upon clear and convincing evidence of danger. The issue of the parents’ ability to protect and care for the child is the central issue. The presumption of parental fitness that underlies custody law in the family court just does not apply to dependency cases. Rather the juvenile court, which has been intimately involved in the protection of the child, is best situated to make custody determinations based on the best interests of the child without any preferences or presumptions.”

The juvenile court has broad discretion to determine what best serves a child's interests, particularly in the context of a custody determination, and its decision will not be reversed absent a clear abuse of discretion. (*In re Tanis H.* (1997) 59 Cal.App.4th 1218, 1227.) We “may not disturb the order unless the court ““exceeded the limits of legal discretion by making an arbitrary, capricious, or patently absurd determination [citations].”” [Citations.]” (*Bridget A. v. Superior Court* (2007) 148 Cal.App.4th 285, 300–301.)

II. The Exit Order Reflected an Appropriate Exercise of the Juvenile Court's Discretion.

The exit order here provided that the parents would share joint legal custody of the children, while Father received sole physical custody of Jason and Mother received sole physical custody of Dylan. The visitation order attached to and made a part of the custody order further provided that Mother and Father were to have “supervised visitation with the [noncustodial child] according to the schedule . . . to be determined by the parents.”

The Department's report for the termination hearing stated that Jason and Dylan were doing well in their respective placements: “The children, Jason and Dylan have been relatively stable in their respective homes with the respective parent they reside with, however, there has continued to be conflict between Jason and his mother, and more recently, conflict between Dylan and his father. Overall, the mother and father are taking good care of Dylan and Jason, respectively. The children's medical care is up to date, they are doing well in school and both are enrolled in therapy and are making good progress.” The Department further reported that Jason was enrolled in the gifted program at school; excelled in extracurricular sports activities and received favorable reports from his coaches and camp directors; was enrolled in therapy and had a good rapport with his therapist; and overall appeared to be content. The Department reported that Dylan, too, was doing well in school, making good progress in therapy, had been described as a “good” kid and appeared to be content. Although each child continued to have

difficulties with the noncustodial parent, the Department reported that Mother and Father were committed to encouraging each child to have a relationship with the other parent.

On the basis of this information, the juvenile court determined “that the condition which justified the initial assumption of jurisdiction no longer exists and does not appear likely to exist if supervision is withdrawn.” Because continued supervision was no longer necessary the court terminated jurisdiction, staying the order for one day to enable the parties to prepare an exit order consistent with the Department’s recommendation. The court reasoned that it had satisfied the juvenile dependency system’s obligation to get the family “to the point that each child is safe and secure in a respective parent’s home.”

We find no merit to Father’s initial contention that the juvenile court failed to consider the best interests of Jason and Dylan in making its exit order. In making his argument, Father highlights isolated comments the juvenile court made during the termination hearing that it would not “nitpick each and every visit between these parents” and that its job was done because each child was safe in his respective home. The juvenile court, however, indicated that it considered the totality of the circumstances as it was aware of all the information presented by the Department. That information included that Jason and Dylan were thriving in their respective placements, each child continued to have a volatile relationship with the noncustodial parent and the parents were willing to cooperate and work with the children’s therapists on visitation. The juvenile court properly exercised its discretion in concluding that maintaining the children’s existing custody arrangement served Jason’s and Dylan’s best interests.

We likewise find no merit to Father’s related contention that the juvenile court abused its discretion in failing to hold an evidentiary hearing prior to issuing the exit order. At the termination hearing, Father requested that the matter be set for a contested hearing to address custody. More specifically, Father requested a hearing to seek sole legal custody of Jason on the ground that he and Mother had difficulty communicating in the past and Father feared that important decisions regarding Jason’s education and health

might not be made due to those communication problems.² The juvenile court denied Father's request on the ground that resolving future disputes was beyond its purview, and the exit order would permit Mother and Father to resolve any such dispute in family court.

These circumstances are unlike those in *In re Roger S.* (1992) 4 Cal.App.4th 25, where the appellate court reversed a termination and exit order that the juvenile court issued after indicating it believed it was not empowered to receive evidence relating to the issue of custody. For that reason, the juvenile court refused the father's request to present four identified witnesses, including a psychiatrist and social worker, who would have testified that father's visitation should be increased, and instead adopted the existing visitation order without change. (*Id.* at p. 28.) The appellate court ruled that the juvenile court erred in failing to recognize its ability to exercise its discretion and consider evidence relevant to custody. (*Id.* at pp. 29–30.) Emphasizing the juvenile court's special responsibility to dependent children, the appellate court summarized: "The trial court here, by refusing to accept evidence relevant to the visitation order, was in danger of issuing an uninformed order which could fail to serve the best interests of the child." (*Id.* at p. 31.)

Here, there was no indication that the juvenile court was operating under the erroneous impression that it could not receive evidence related to custody. Rather, Father offered no evidence to support or prospective witnesses to corroborate his concern about future communication issues, and the information available at the hearing indicated that there was no basis for his concern. The Department reported that while Mother and Jason continued to have a tumultuous relationship, "[t]he father encourages Jason to have a relationship with his mother . . . [and] has invited the mother to birthday parties and made her aware of sports events, and will accommodate visitation." Moreover, the

² Father also raised the issue of his ability to have unmonitored visitation for the purpose of maintaining his routine of bringing Dylan his lunch at school. But as the juvenile court pointed out in permitting the continuance of the status quo, "[i]f he's not visiting, it's not a visit."

record indicated that the children’s therapists would continue working with them after termination, with a primary goal being conjoined sessions with the noncustodial parent. Under these circumstances, the juvenile court properly exercised its discretion in finding no basis to hold an evidentiary hearing to address issues that did not presently exist.

Finally, the juvenile court did not abuse its discretion by ordering visitation according to a schedule to be determined and arranged by the parents. Section 362.4 vests the juvenile court with broad discretion to make visitation orders when terminating its jurisdiction. (*In re Chantal S.*, *supra*, 13 Cal.4th at pp. 213–214.) The statute does not require that the juvenile court order visitation; rather, it provides that the juvenile court “may” provide for reasonable visitation by the noncustodial parent. (§ 362.4.) As with the determination of custody, the juvenile court must look exclusively to the best interests of the child in making a visitation order. (*In re John W.*, *supra*, 41 Cal.App.4th at pp. 973–974.)

We reject Father’s suggestion that the juvenile court’s order improperly delegated the issue of visitation to the parents. (*In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1009 [“Only when the court delegates the discretion to determine whether any visitation will occur does the court improperly delegate its authority”].) We likewise reject Father’s argument that the visitation order—even if not an improper delegation—was unworkable because his relationship with Mother continued to be rife with conflict. To the contrary, the information available at the termination hearing indicated that both parents were fully committed to Jason and Dylan maintaining a relationship with the noncustodial parent. At the time of termination, each noncustodial parent was permitted monitored visitation with the child. In a monitored setting at the Department’s offices, the visits between Jason and Mother were appropriate. When Mother approached Jason at summer camp, however, he became agitated. Nonetheless, Father indicated that he would continue to encourage Jason to maintain a relationship with Mother and would accommodate visitation. Dylan indicated that he was afraid of Father, but was willing to visit him when accompanied by particular monitors or in particular settings, such as when Father would bring his lunch to school. Mother, too, stated she would accommodate

visitation. According to the Department, both Mother and Father “stated they encourage Jason and Dylan to visit with the other parent and also to agree to conjoined [therapy] sessions.” In view of each parent’s expressed willingness to accommodate visitation, the juvenile court did not abuse its discretion in determining that monitored visitation as determined by the parents was in Jason’s and Dylan’s best interest.

The juvenile court properly recognized that its obligation was not to mediate potential domestic disagreements that did not impact the health or safety of the children. Rather, “section 362.4 expressly contemplates that the family court may modify the juvenile court’s visitation order.” (*In re Chantal S.*, *supra*, 13 Cal.4th at p. 213; see also *In re Hirenia C.* (1993) 18 Cal.App.4th 504, 518 [after the juvenile court enters a visitation order as part of an exit order, “the parties may seek the assistance of the superior court to enforce or modify the order”].) In the event that Mother and Father are unable to accommodate reasonable monitored visitation, they may address their concerns in family court.

DISPOSITION

The order terminating jurisdiction with a family law exit order is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

_____, J.

DOI TODD

We concur:

_____, P. J.

BOREN

_____, J.

ASHMANN-GERST